

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TONIA OLIVER,

Plaintiff,

v.

SCRANTON MATERIALS, INC.,

Defendant.

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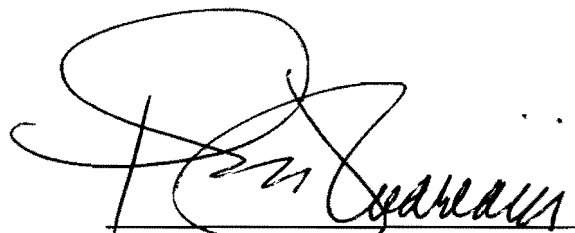
**3:14-CV-00549
(Judge Mariani)**

ORDER

AND NOW, THIS 5th DAY OF MARCH, 2015, upon consideration of

Defendant's Motion to Dismiss, **IT IS HEREBY ORDERED THAT:**

1. The Motion to Dismiss (Doc. 10) is **GRANTED IN PART AND DENIED IN PART**, to wit:
 - a. The Motion is **DENIED** with respect to Count I.
 - b. The Motion is **GRANTED** with respect to Counts II and III.
2. Counts II and III of Plaintiff's Complaint are **DISMISSED WITHOUT PREJUDICE AND WITH LEAVE TO AMEND.**
3. Plaintiff shall have **FOURTEEN (14) DAYS** from the date of this Order in which to submit an amended complaint that corrects the defects cited in the Court's accompanying Memorandum Opinion.

A handwritten signature in black ink, appearing to read "Robert D. Mariani", written over a horizontal line.

Robert D. Mariani
United States District Judge